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HUMAN RIGHTS COMMITTEE

Sixty-third session

SUMMARY RECORD OF THE 1682nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 July 1998, at 3 p.m.

Chairperson: Ms. CHANET

later: Ms. MEDINA QUIROGA
(Vice-Chairperson)

later: Ms. CHANET
(Chairperson)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Algeria (continued) (CCPR/C/101/Add.1; CCPR/C/63/Q/ALG/1/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Algeria resumed their places at the Committee table.

2. Mr. LALLAH drew attention to a number of new and positive developments, particularly the cooperation that currently existed between the Algerian authorities, the United Nations system and several treaty bodies. He wondered whether it might not be possible to expedite the establishment of similar links with other United Nations mechanisms, especially the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, both of whom had expressed a desire to travel to Algeria in order to discharge their mandate fully.

3. The Algerian delegation's claim that there was no human rights crisis in the country was dubious, and it was hard to go along with the idea that the electoral process could be suspended without interrupting the democratic process as well. It must be admitted that Algeria was experiencing a very grave crisis that had affected the fundamental rights enumerated in the Covenant, notably the right to life, liberty, personal security and protection against torture. In its report, the State party had tended to deny that the authorities bore any responsibility for the human rights violations perpetrated in Algeria; such an attitude was incompatible with the Algerian Government's obligations under the Covenant, since a State was responsible not only for the behaviour of its officials but also for any act which took place in its territory.

4. The delegation had said that 275 State officials had been sentenced in court for abuses of authority, including homicides. It would be useful to have a more detailed account of the circumstances in which such abuses had taken place, and to know precisely what charges those individuals had been tried on. Furthermore, replying to one of the Committee's written questions, the delegation had indicated that a number of persons had been arrested and convicted following the massacres in the villages of Sidi Rais, Sidi Youssef and Benthala. He would like to know who had been responsible for the massacres, precisely what charges had been brought against them and whether they had been tried in public.

5. With reference to the massacres, army units had apparently been present in the vicinity and could therefore have protected the villagers. The fact that no such assistance had been given constituted a clear violation by the State party of obligations freely entered into under the Covenant. Moreover, a major inquiry should have been conducted to determine whether the victims could have been helped in any way. Since the State party had also mentioned the obstacle posed by landmines, the Committee was bound to ask whether any mine-clearance operations had been carried out in the areas concerned. The Committee had also received many reports of disappearances in Algeria. In

that connection, it behoved the State party to recall that it had a duty to inform families of the fate of all persons held in detention. In addition, it was extremely important to determine precisely the number of people who had disappeared without trace.

6. Mr. PRADO VALLEJO said that, since the consideration of the previous periodic report, the situation in Algeria had steadily deteriorated. Algeria was experiencing a grave crisis which affected not only human rights but also humanitarian law. Serious human rights violations were being committed without any inquiries being launched, and those responsible had gone unpunished. Moreover, the police were resorting to excessive use of force in contravention of international standards. There was no denying that the people of Algeria were caught up in a wave of terrorist violence, but at the same time there was no excuse for turning a blind eye to terrorist acts perpetrated by the State, for example the many executions carried out on the orders of the security forces. Given the circumstances, it should be stated loud and clear that the international community considered it unacceptable that regular forces should copy the methods used by terrorists in order to combat violence. Nor could there be any justification for the establishment of self-defence squads which were nothing more than State-armed paramilitaries operating on the fringes of the law.

7. Ms. EVATT noted with regret that the State party had failed to provide adequate information on the real situation in Algeria either in its report or in the delegation's oral statement. While it was true that armed terrorists had committed horrific acts in Algeria in recent years, no terrorist act could justify State actions that violated human rights. In addition, the delegation had been evasive on the topic of women as terrorist targets, when in fact many women had been raped and murdered as a result of terrorist actions. It would be helpful to know whether such crimes had been investigated and whether the perpetrators had been brought to justice. Furthermore, women had been abducted and forced to enter into temporary marriages. What action were the authorities taking to combat that practice? It was also unclear whether abortion was prohibited even when a women had become pregnant as a result of being raped. The Committee had received numerous reports that the army had failed to intervene to stop massacres in areas taken over by the Islamic Salvation Front. It seemed strange that the authorities had been unable to ensure the necessary level of protection for the victims of the massacres, yet they had experienced no problems in organizing perfectly safe elections.

8. Mr. POCAR said that, as far as he could understand, the state of emergency, the promulgation of which was governed by the very strict rules stipulated in article 4 of the Covenant, had served as a pretext for every kind of abuse in Algeria. For example, an amendment to the provisions of the law defining terrorism currently empowered the authorities to target any public or private behaviour. All the indications were that the very foundations of the rule of law were being threatened. While it was quite legitimate to combat terrorism, that struggle should be waged in strict observance of the law.

9. It was also necessary to highlight the question of forced disappearances, which constituted a flagrant violation of the rules that must be observed when proclaiming a state of emergency. At stake was the right to

recognition as a person before the law, as embodied in article 16 of the Covenant and article 6 of the Universal Declaration of Human Rights. Thus, once a disappearance had been reported, the authorities had a duty to launch an in-depth investigation to find the missing person. In that regard, the Algerian delegation had mentioned 49 missing-person cases which had been brought to the attention of the authorities in connection with the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43). But the Algerian Government had only provided information on 27 of those cases. Accordingly, he wished to know whether the cases on which the authorities had not provided any further details had been investigated, and whether those responsible had been arrested and brought to justice. It was essential that such acts did not go unpunished.

10. Mr. BHAGWATI said that Algeria had ratified most of the international human rights instruments and was cooperating with the international community by agreeing to receive a high-level mission under the auspices of the United Nations. It was unclear whether the High Committee of State established by the Government in June 1991 was still in existence. If so, it would be interesting to know something about its membership and its activities. Clarification was also required on whether the special courts established pursuant to the law on terrorism and subversion still existed. The state of siege proclaimed on 9 February 1992 for a duration of one year and subsequently extended indefinitely without a vote in the National Assembly surely constituted a violation of both the Algerian Constitution and article 4 of the Covenant. It would be helpful to know whether an independent mechanism existed to deal with allegations of torture. It was highly probable that individuals held in detention were indeed tortured in view of the considerable number of convictions based on a confession by the defendant. It would also be useful to know whether there was a regulation stipulating that a person under arrest should have the assistance of a lawyer, and that a detained person's family should be informed of his arrest and whereabouts. More details should also be given on the composition, functions and activities of the National Human Rights Observatory. According to a number of NGOs, over 1,000 disappearances were attributable not only to armed groups but also to the security forces, which represented a grave threat to civil society and respect for the law. The State should take appropriate measures: for example, it should compile a register of persons in detention, which would be periodically checked by an independent body responsible for the inspection of prisons and detention centres. Finally, according to information received from NGOs, individuals prosecuted for public order offences were allegedly tried by military courts. If that was true, it was a disquieting development because civilians should not be tried by military jurisdictions.

11. Ms. GAITAN DE POMBO welcomed the cooperative attitude of the Algerian Government in allowing high-level missions from the European Union and other international authorities to visit the country in order to observe what was happening. The authorities should allow NGOs similar access.

12. The delegation had dwelt on the transition problems which Algeria had experienced since 1989, particularly those connected with the establishment of new institutions. However, the complex nature of the transition and the many manifestations of violence that had characterized it certainly did not justify the claim that there was no human rights crisis in Algeria. What level of

violence would have to be reached before one could speak of a human rights crisis? It seemed that Algeria was experiencing not only a human rights crisis, but a serious humanitarian crisis as well, given the way in which the minimum standards of international humanitarian law were being outrageously violated by groups of extremists who treated the civilian population as a terrorist target. The international community and bodies such as the Human Rights Committee should take note of the fact that violations of human rights and humanitarian standards were being perpetrated by State officials and other elements outside the framework of the State, but legally speaking the fact remained that the State was a subject of international law and it was primarily incumbent on the State to guarantee respect for the fundamental rights embodied in the Covenants and the international instruments it had ratified. It was also right and necessary to prosecute those who had violated minimum standards of humanitarian law and ensure that they were tried with due firmness.

13. The role played by private armed groups or militias was also disturbing because it was dangerous to encourage the establishment of armed civilian groups, even with the well-intentioned aim of protecting the right to self-defence. Normally it was the State which had a monopoly on the use of force; when it was prevented from exercising that right, its key role of exercising authority and guaranteeing the safety of citizens was impaired. But even more worrying was the fact that the civilian population had become an unwilling target for the military, resulting in reprisals and revenge killings. She had also noted that the murders of up to 20 journalists had been thoroughly investigated and the killers identified. The delegation should provide information about the cases of other journalists who had been murdered.

14. Mr. BUERGENTHAL endorsed many of the concerns expressed by other members of the Committee and noted that the report's treatment of the application of articles 5, 6, 7, 9, 12 and 14 of the Covenant was purely formalistic; the real situation in Algeria had been barely touched on. The reality was that the Government had been forced to engage in a struggle against a pernicious and ruthless brand of terrorism, and it was a universally acknowledged fact that terrorism was one of the worst enemies of human rights and was very difficult to combat. He would have liked to know more about how the Government was striking a balance between the exigencies of the struggle against terrorism and Algeria's international obligations with respect to the protection of human rights. The lack of such information made it difficult to engage in genuine dialogue because the Committee could not really understand the Algerian Government's problems. In the report, for example, the title of the section relating to article 6 was "Capital punishment", whereas the article in question actually dealt with the right to life and the protection of that right was precisely one of the most serious problems facing Algeria.

15. On the question of disappearances, he would like to know whether the Algerian police and other bodies were obliged to keep a register of persons whose families had reported their disappearance or the fact that they had not been seen again. More details should be provided on what kind of investigation the police were supposed to carry out following a report that somebody had disappeared. The question whether the Algerian State could really act as the guarantor of its security agencies in the context of the fight against terrorism also required clarification. The delegation's claim

that there had been no cases of torture of detainees seemed dubious when several thousands of Algerians had turned up in West European rehabilitation centres with torture-related injuries. Had the Government launched inquiries into those cases? In addition, it was unclear whether the International Committee of the Red Cross (ICRC) had been allowed access to prisons and detention centres in Algeria and if it had, whether any visits had been made. He would also like to know whether the Government had agreed to allow international observers to monitor the trials of persons being prosecuted for acts of terrorism in Algeria.

16. He would like to believe that all the massacres which had been committed were attributable to terrorist organizations and not to groups linked in some way to the State authorities. In any event, the manner in which the investigations had been carried out left much to be desired. The Committee had received insufficient information about the measures taken to investigate the massacres and put a stop to them. The delegation should cite specific examples of individuals and organizations which had been prosecuted for acts of terrorism and also list measures which the Government had either taken or intended to take to prevent the massacres from continuing.

17. Mr. SCHEININ stressed that the Algerian Government had a responsibility to ensure the protection of the human rights embodied in the Covenant. In that connection, Algeria should take priority measures to deal with the question of disappearances. The Committee had heard nothing about any such measures and must therefore remind the State party of its obligations in that regard. The State could agree to receive special rapporteurs appointed by United Nations bodies or the Working Group on Enforced or Involuntary Disappearances; their investigations would make it possible to ascertain the truth about the disappearances. Such an approach should complement domestic-order measures such as the duty of all detention authorities to keep a register and allow detainees to contact their families. Unless the Government took such measures, its responsibility for the widely institutionalized phenomenon of disappearances could never be ruled out.

18. On the question of capital punishment, the delegation had cited a figure of approximately 2,000 death sentences. Most of those convictions had been obtained in the absence of the accused; that raised problems in connection with article 6 of the Covenant, which prescribed strict observance of all legal procedures when a person was being tried for a capital offence. Besides, the Committee had learned from other sources that the right to a fair trial had not been fully respected in such circumstances. Given the approximate figure of 2,000 death sentences, he would like to know how many convicted persons were being detained by the authorities and how many had died while in detention. Persons convicted of capital offences had allegedly been executed before exercising their right of appeal, either on the pretext of attempting to escape or during a confrontation in the vicinity of their detention centre. The delegation should indicate precisely how many persons sentenced to death in absentia had died, because reports had been received of cases in which such persons had subsequently been killed or executed in skirmishes. Those cases might be classified as summary, arbitrary or extrajudicial executions. Finally, since Algeria was a party to the Optional Protocol to the Covenant, persons sentenced to death in Algeria had the right to send a communication to the Human Rights Committee, which would then

proceed to examine the essential question whether the right to a fair trial had been observed in their case. It was disquieting to note that the Committee had received no such communications. He would therefore like to know whether condemned individuals being held in detention were informed of the possibility of sending a communication to the Committee.

19. Mr. DEMBRI (Algeria) said that his country had submitted its initial report in 1992; the second periodic report submitted in 1998 contained replies to some of the unanswered questions raised by the previous report as well as information regarding follow-up to the Committee's recommendations. Committee members would thus have noted that the Committee of State no longer existed in Algeria; it had been replaced by an institutional system based on universal suffrage, as evidenced since 1995 by the restoration of the electoral process and the election of the President of the Republic by universal suffrage in a climate of pluralism monitored by international observers. Thus the aim of the 1998 report had been to portray present-day Algeria and the elements chosen to build a modern rule-of-law State, while at the same time referring to the entire spectrum of human rights embodied in the articles of the Covenant. His Government recognized those rights, and its acceptance of them was reinforced by the fact that it had also subscribed to the provisions of the Optional Protocol. It was nevertheless true that the report currently before the Committee could not portray every facet of the reality of modern Algeria. Aware of that fact, his delegation had therefore come prepared to answer all the questions on the list of issues which had been sent to it.

20. In enabling the Committee to gain an accurate picture of the situation in the country, his delegation had encountered the methodological problem posed by allegations. Documentary sources were known quantities, namely NGOs and the State's official sources. The purpose of the debate between the Committee and the delegation should be to scrutinize critically the sources that had been used, in order to make the transition from the realm of allegation to that of fact. At that point differences of opinion might come to light, because counter-arguments had not been applied to those documentary sources. His delegation would, however, agree to examine the evidence or allegations that had been adduced in order to avoid a situation in which conjecture was often accorded factual status.

21. Much had been said and written about Algeria. In January 1993, for example, the United States Department of State had predicted that terrorists would seize power in Algeria within 100 days, and that the rule-of-law State would reach the point of total collapse. Today his delegation could proudly announce that terrorists had not seized power, nor had they been able to foist themselves on the Algerian people. Algerians had accepted the necessary sacrifices, even at the cost of their lives, in order to wage war on terrorism with no means of protection other than the rifles which had been issued to them for self-defence purposes. In that connection the word "militia" had been used, but the rifles issued to citizens for self-defence were simply a licence to bear arms; the fact that citizens were organized at the district or village level did not constitute a militia.

22. The people's desire to rebuff terrorism had been expressed in 1992 as evidenced by the presidential and parliamentary elections which had been monitored by international observers. The State had put in place the

necessary monitoring bodies to protect human rights. The report had also mentioned the monitoring function of the two houses of parliament. In addition, the National Human Rights Observatory and the Ombudsman had been active in the field of human rights and their own reports indicated the extent of their involvement. Deliberate abuses had never been authorized, and everything that had been officially approved was described in the report, which attested to the will of the Algerian authorities to carry out the duties of a rule-of-law State, observe the provisions of the Covenant and protect the population.

23. His Government's actions had perhaps not always been clearly understood. That was why his delegation intended to provide further details, prefaced with the observation that it rejected the use of the term "disappearances" to describe what were suspected abductions. Attempts had been made to blame the State for abductions carried out by armed groups and terrorists. The press was full of stories about young women who had been raped and abducted, young marriageable women who had been abducted, raped and compelled to enter into what one Committee member had called "temporary marriages", a term that was irreconcilable both with the reality of Algerian customs and with Algerian religious culture. A figure of 120,000 disappearances had even been mentioned. The official figure transmitted to the People's National Assembly in March 1998 was 26,535. The civil status registers in which deaths, autopsy reports and other information were officially recorded were absolutely trustworthy and there was absolutely no reason to doubt their authenticity. Thus, figures adduced without any documentary evidence could not be trusted.

24. Regarding the clemency law and the search for a solution which was in harmony with the underlying goal sought by the country, i.e. negotiation and national dialogue, there was no question of jeopardizing the republican structure of the State or results obtained by universal suffrage. In any event, it was still possible to form political associations and engage in national dialogue on the basis of respect for the rule of law. As a result of that process of national dialogue, the National Salvation Army had already laid down its arms, and it was hoped that, with the support of the international community, Algeria would soon be able to establish a politically stable and economically prosperous regime that would respect the undertakings that had been made to European countries and those of the Mediterranean area.

25. The CHAIRPERSON thanked the Algerian delegation for all the replies it had given to the questions on the list of issues. Members of the Committee were frank in their comments and, of course, relied on information supplied by NGOs and other United Nations bodies, such as the Working Group on Enforced or Involuntary Disappearances. The delegation would have the opportunity to put forward counter-arguments on behalf of the Algerian Government.

26. Mr. ABDELWAHAB (Algeria) said that the Committee of State and the special courts had ceased to exist in 1995. Regarding the definition of terrorism, article 97 bis of the Penal Code stipulated that "An act of terrorism or subversive act shall be deemed to be any act directed against the security of the State or the integrity of its territory, or the stability or smooth operation of institutions through any action intended, inter alia, to exploit impediments to traffic or freedom of movement caused by riotous assembly". It obviously followed that any person who impeded traffic without

the ultimate intention of breaching State security was guilty of an ordinary offence and would be tried by a criminal court: an impediment to traffic did not necessarily constitute an act of terrorism.

27. With reference to the amendments to the Code of Criminal Procedure, a person could be held in police custody for 48 hours. That period could be extended once only, following a decision by the Procurator of the Republic. In terrorist cases, police custody could be extended up to a maximum of 12 days, the reason being that terrorists often committed criminal acts with the support of worldwide networks and it was impossible to make the necessary inquiries without holding the suspect in police custody for an adequate period. Furthermore, in criminal cases, a convicted person did not have the right of appeal; instead he was entitled to an application for judicial review in order to seek redress for errors which might have been committed by the lower court, and any such remedy was of course suspensive.

28. Regarding judicial action following massacres, his delegation had already stated that inquiries had been conducted into each of the cases concerned, and in at least three cases the perpetrators had been identified. Moreover, the Algerian judicial system was a modern one based on the principle of the presumption of innocence, availability of judicial remedies and transparency of procedure.

29. Ms. Medina Quiroga took the Chair.

30. Ms. BOUABDELLAH (Algeria) said that in every Algerian prison there was, of course, a register with details of every person who entered the prison, and that the Procurator of the Republic had access to that register. The law was very clear on that point: nobody could be imprisoned without a judicial warrant and any case of false imprisonment or arbitrary detention was severely punishable under the Penal Code. Likewise, the Code of Criminal Procedure laid down strict procedures which must be applied in respect of police custody. At the initial stage, a supervisory function was exercised by a registrar who kept a detailed record of the evidence given by suspects during police interviews, and that record was subsequently made available to the Procurator of the Republic.

31. On the matter of confessions allegedly obtained under torture, article 110 of the Penal Code clearly stated that they were inadmissible and that any person obtaining a confession by such means was liable to prosecution. Incidentally, appeal proceedings did not exist in criminal cases because the Algerian system was based on the principle of people's justice and only the Supreme Court could quash a verdict handed down by a people's jury if there was some doubt as to the accused's guilt. Moreover, legal assistance was mandatory in criminal cases and a criminal court could not try a person who had no legal representation. By contrast, legal representation was not required for minor offences, but the accused could, if he so wished, request that a lawyer be present and, if he could not afford one, ask for counsel to be appointed by the court.

32. The law that made it an offence to reveal the identity of judges, quite apart from never having been applied, had been repealed and, in any case, had been framed with the press in mind, since press coverage could endanger the

lives of judges. Finally, contumacious judgements did exist in the Algerian legal system and were very strictly enforced. Thus, if an accused person failed to appear before the court, efforts were made to locate him; if he still could not be found and the investigating judge, upon inquiry, concluded that sufficient charges could be brought, the case file was referred to three irremovable ordinary-court judges who then delivered their judgement.

33. Ms. Chanet resumed the Chair.

34. Mr. ZERROUKI (Algeria), referring to the questions on the state of emergency, said that the Committee should be aware of the conditions in which it had been proclaimed back in 1992 and subsequently extended the following year. That exceptional procedure, which had aimed to maintain the stability of institutions and re-establish public order when traditional mechanisms had become inoperative, had been adopted in 1992 at an extremely serious time characterized by unheard-of violence perpetrated by groups of terrorists who were endangering people's lives and the security of their property. The nature and objectives of the violence were reminiscent of a civil war. Women, children, intellectuals, journalists, judges and religious believers of all faiths had become targets; one of the terrorists objectives had been the destruction of the country's social and economic infrastructure. The presidential decree proclaiming the state of emergency had been duly substantiated, and the text of the decree had specifically mentioned the serious and persistent breaches of public order which had occurred all over Algeria, the threats to the stability of institutions, and the serious and repeated violations of the safety of citizens and civil peace. The state of emergency had operated in conjunction with several regulations which, among other things, had allowed the authorities to detain people in security centres without penal sanctions or loss of their social and economic rights. The state of emergency had also authorized the imposition of a curfew, the prohibition of meetings that posed a threat to public order and the dissolution of elected assemblies when legal action by the authorities was no longer possible or had been frustrated. In that connection, 11 administrative internment centres had been opened, holding a total of 6,786 detainees. Detention in such centres could be challenged before a special commission in which members of the administrative authorities and prominent local citizens had been equally represented. Since November 1995, all the administrative internment centres had been closed down and most of the inmates had subsequently gone back to their jobs. Whenever employers had refused to re-employ former inmates, the latter had taken their case to an industrial disputes tribunal and won.

35. The curfew which had been imposed in areas particularly prone to terrorist attack had been lifted throughout Algeria. Freedom of movement was therefore no longer subject to restrictions.

36. Committee members had intimated that abuses had been committed under the pretext of the state of emergency. Yet the fact that five pluralist elections had been held, albeit in very difficult circumstances, under the scrutiny of politicians of all shades of opinion and in the presence of numerous foreign observers, hardly constituted an abuse. Was the closure of the administrative internment centres (legitimate institutions in the context of the state of emergency) an abuse? Was the relaxation of the legal provisions governing the

establishment of associations also an abuse? There were currently 45,000 local associations and 800 national associations in Algeria, and they all made an active contribution to Algerian public life. Sessions of Parliament were open to the public and the national media gave wide coverage to the proceedings. From the low point of 1992-1993, Algeria had now emerged as a vibrant and dynamic country.

37. Mr. HELLAB (Algeria), replying to questions about the protection afforded to citizens by the Algerian authorities, noted that the Government's public security policy since independence had been a matter of strategic choice. In 1962, only 5 per cent of Algerian children had attended school, as against the current figure of 98 per cent. Those figures demonstrated that the Algerian authorities had given consistent preference to building schools rather than police stations or barracks. Furthermore, the current size of the Algerian police force was equivalent to that of the police force of a single city in neighbouring countries.

38. On the topic of possible abuses by the self-defence squads, it should be noted that every time the authorities had armed a citizen, they had prevented a civilian from getting killed. The Government currently had to make a choice: either it could ensure that every single civilian was protected by a policeman, or it could supervise the distribution of weapons to the public. In any event, excesses committed by members of the self-defence squads or the security forces were liable to prosecution. Moreover, excesses committed by members of the security forces were deemed to be an aggravating circumstance and the law prescribed a doubling of the penalty.

39. With reference to the questions about the investigations into the massacres of civilians, it should be stressed that whenever a crime was committed a report was filed and the Procurator of the Republic was informed. When a massacre had taken place, an internal inquiry was launched by the security services to determine whether they had been responsible. In two cases the security forces had intervened, but too late, and those responsible were currently being held in detention. Regarding the Benthala massacre, the security services, and specifically the army, had intervened and seven terrorists had been killed. Three members of the security forces had been killed by a bomb. Armoured vehicles had been used to clear the trails along which the terrorists had escaped. In connection with the massacre at Sidi Youssef, he assured the Committee that there was no barracks in the vicinity; the nearest was situated 5.8 kilometres from the scene of the bloodbath. Generally speaking, the massacres had occurred at night and the terrorists had cut telephone lines to prevent the alarm from being raised quickly.

40. Ms. KARADJA (Algeria) said that, as a member of the National Human Rights Observatory, she was keen to provide further details. First of all, immediately after the massacres of civilians, the Ministry of Solidarity had requested humanitarian aid associations to provide assistance to the survivors. Those associations had thus gathered evidence on the spot and ascertained that, among other things, local people had asked to be allowed to defend themselves against attack. The self-defence squads were thus an expression of the popular will to take up arms to protect their own lives and those of their families, and also to defend their honour. Under supervision,

civilians had been armed by the security forces with the sole purpose of ending the powerlessness to which they had frequently been reduced. In the case of the Benthala massacre, local people had refused the sugar, rice and blankets delivered to them by Red Crescent personnel. Instead they had asked for weapons, since they believed that the danger could come from neighbouring localities or even from within the community itself. Having visited the site of the Sidi Rais massacre in person, she could vouch for the ferocity of the attack, which had been carried out at night by individuals armed mainly with knives. The survivors had testified that most of their aggressors had been present in the settlement prior to the massacre, where they had been at a party. The local inhabitants had therefore suspected nothing and the survivors had repeatedly said that "they had been deceived by people against whom they had never lifted a finger". The Algerian security forces had intervened, contrary to what some people had thought, and two of their number had even been killed by mines.

41. Generally speaking, the Algerian people and State had resisted the murderous rampages of the terrorists. It was widely recognized that the terrorists had established links with foreign organizations and the identity of their financial and logistic backers was well known to geopolitical observers. The terrorist movement had at one point been so powerful that people had thought it would seize power. That was in fact its sole objective: to wield absolute power, without dialogue or negotiation. In 1992, the population had admittedly been sympathetic to the ideology of the Islamic Salvation Front and the misleading message of the Islamic fundamentalists, but upon realizing what lay behind that ideology, public opinion had shifted noticeably. The public had also come to understand that the violence of Islamic groups, which was provocative rather than defensive in nature, was actually an integral part of their philosophy of life. The aim of the terrorist groups was to destroy everything that was intellectually active and dynamic in Algeria. Women were their preferred targets, and it was they who had paid and were continuing to pay the heaviest price. They were indiscriminately targeted by the fundamentalists, regardless of whether or not they wore the veil. Women were resisting, however, and it was they who were currently in the forefront of the struggle against the aggressors. The fact that the Algerian people had not been engulfed in civil war was due to their wisdom and, particularly, the fact that they had stayed strictly within the limits of the law. The Algerian people now had a legitimate State which was capable of protecting them against blind terrorist violence. It was true that the struggle against terrorism occasionally led to certain excesses, but it was impossible to fight such a monster without causing damage. Nevertheless, it was not right that the atrocities committed by the terrorists and the excesses of which certain members of the security forces might be guilty should be placed on the same footing. In that connection, the delegation had made available to the Committee a number of children's drawings of the terrible reality in Algeria. It should also be stressed that, under the Algerian social security system, the State was responsible for supporting the families of slain terrorists who had been the heads of those families. In one case, for example, two little girls whose parents - both armed terrorists - had refused to surrender to law enforcement officers had been saved from

certain death by policemen. The girls were currently in an orphanage, where they were treated in exactly the same way as all the other children. Meanwhile the authorities were searching for members of their extended family in the hope that they would take the girls in.

42. The ordinance on clemency measures had been applied to young people who had yielded to the temptation of Islamic groups but who had not committed any serious offence. The ordinance was a requirement of the law, which the Algerian people considered necessary for their own survival. Although the State could not shirk its obligations or tolerate human rights violations committed by its own agents, and it also had a duty to minimize social divisions and respond to the public desire for peace.

43. Mr. SOUALEM (Algeria), referring to relations between the authorities and NGOs, said that, of all the countries in North Africa and the Middle East, Algeria had allowed the highest number of visits by such organizations since 1992. In 1997, the Government had received representatives of Amnesty International, Human Rights Watch and the International Federation of human Rights. That said, when NGOs classified terrorist groups as armed opposition movements and characterized their crimes as political offences, his Government believed that they had overstepped their mandate. The Government's position had always been clear and should be repeated before the Committee: if NGOs possessed reliable information about excesses which might have been committed by the law enforcement agencies, such information should be forwarded to the Algerian authorities, or else the relevant procedures provided for within the framework of the United Nations should be set in motion.

44. His Government had had a 40-year relationship of cooperation with ICRC. The ICRC chief of delegation for North Africa and the Middle East, who had ambassadorial rank, was moreover regularly received at the appropriate level in Algeria and was in contact with the Algerian Red Crescent. ICRC representatives had visited Algerian prisons and detention centres on several occasions, specifically after the events of October 1989, again in 1990 and after the interruption of the electoral process in 1991. In 1995, the Minister of Justice had officially agreed to allow ICRC representatives to resume their visits to detention centres. In early 1998, a French Swiss television crew had visited prisons and made a film which had subsequently been shown on television in Switzerland.

45. Regarding the disappearance of certain individuals mentioned by members of the Committee, it was the first time that the Algerian authorities had ever heard of two of the cases cited. In two other cases, the maximum duration of police custody - which was theoretically 48 hours but could in exceptional circumstances be extended to 12 days in cases involving subversion and terrorism - had not been exceeded. The individuals concerned had been held in police custody for the purposes of the inquiry and in the light of the sheer size of the country. They had subsequently been released and, if they believed that their rights had been violated, they had the option of seeking redress in the courts, either directly or through their counsel.

46. Regarding the figures cited by Mr. Pocar, he assured the Committee that the cases involved had been fully explained following the publication of the report of the Working Group on Enforced or Involuntary Disappearances

(E/CN.4/1998/43), and that the Government had provided precise details on all the cases which had been brought to its attention, and moreover within a reasonable period. The authorities were nevertheless still prepared to furnish to the competent bodies any other information which might be relevant.

47. Ms. AKEB (Algeria), reverting to the issue of press censorship raised by Ms. Medina Quiroga, said that the press file which her delegation had made available to the Committee had obviously been of interest. That was a sign that the Algerian press was not subject to censorship because, if it was, it would contain nothing of interest. As the Committee members had been able to ascertain, the Algerian press reported on anything and everything, including excesses committed by the authorities. There were more than 20 major daily newspapers in Algeria and over 40 weekly publications. All of them had published articles about the civilian massacres as they had occurred. Journalists had travelled to the scene, interviewed witnesses and compared the statements they had obtained with the official version of events. Generally speaking, despite the state of emergency, the Algerian press enjoyed great freedom, and in that respect it was now regarded as a reliable source by many foreign media. In addition, in 1997 the Secretary-General of the International Federation of Journalists had paid a visit to Algeria, during which he had commended the tone and quality of the Algerian press. The Federation had opened a bureau in Algiers. Between January and June 1998, some 500 foreign journalists had come to Algeria, and the authorities had endeavoured to simplify visa formalities for them and allow them access to the massacre sites. Those journalists had established that the areas targeted for terrorist attack were remote and inaccessible, a fact which complicated the task of the security forces. Finally, it should be remembered that 60 Algerian journalists had refused to remain silent in the face of terrorist violence and had been murdered.

48. The CHAIRPERSON thanked the Algerian delegation for its replies and announced that the Committee would continue its consideration of the second periodic report of Algeria (CCPR/C/101/Add.1) at a subsequent meeting.

The meeting rose at 6 p.m.